

REMARKS

Claims 1-3 and 5-24 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following comments.

I. REJECTION OF CLAIMS 1-3 AND 5-14 UNDER 35 USC §103(a)

Claims 1-3 and 5-14 now stand rejected under 35 USC §103(a) based on *Hamagishi*. Applicants respectfully traverse the rejection for at least the following reasons.

In response to the previous Office Action, applicants had amended claims 1 and 10 to recite how the groups of slits are “spaced apart with a second pitch *b2* ... substantially equal to 2.N.b1”. (Emphasis Added). The applicants additionally pointed out why such a configuration would not have been obvious to one having ordinary skill in the art.

In the present Office Action, the Examiner admits that *Hamagishi* does not explicitly teach such feature recited in claim 1. However, the Examiner simply asserts that “it would have been an obvious matter of design choice to have the second pitch *b2* equal to the 2.N.b1, since such a modification would have involved a mere change in the size of a component (e.g. the spacing between the groups). (See page 2, last paragraph of the Office Action).

Applicants must respectfully disagree for at least the following reasons.

According to MPEP §2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)

Further, according to §2143.01(111) of the MPEP, “[t]he mere fact that references can be combined or modified does not render the resultant combination

obvious unless the prior art also suggests the desirability of the combination". *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See MPEP §2143.01 (IV).

The specification clearly discloses the advantages associated with the arrangement of the slits of the barrier 21 as recited in claims 1 and 10.

In one embodiment of the present invention, each group of slits comprises two slits with the slits in each group being spaced with a pitch $b1$. Additionally, the groups of slits are spaced apart by pitch $b2$ which is equal to four times the pitch $b1$ (see, e.g., page 12, line 30 - page 13, line 7 and Figure 9a of the original specification as filed). This arrangement is exemplified in Figure 10 and satisfies the expression that the second pitch $b2$ is substantially equal to $2.N.b1$ as recited in claims 1 and 10.

Thereafter, the specification discloses that such an arrangement creates viewing regions labelled A to E, and the first and second images are visible in the viewing regions D and B, respectively (page 13, line 30 - page 14, line 10). In particular, compared with conventional display as illustrated in, for example, Figure 4(a), the angle between the views is approximately doubled which allows the optimum viewing distance or viewing window plane to be approximately half the distance away from the display compared with the conventional arrangement (see, e.g., page 14, lines 26-31 of the original specification).

Additionally, the contribution to crosstalk from neighboring viewing regions is reduced because 50% of the stray light is from the same image source. Again, compared with conventional display as illustrated in, for example, Figure 4(a), only 33%

of light is used and 33% of the LCD resolution is used by each image (see, e.g., page 15, lines 1-8).

In another embodiment, the present invention discloses that the barrier 21 comprises groups of three slits and that the groups of slits are spaced six times the pitch $b1$ (see page 15, lines 10-16). This arrangement is exemplified in Figure 11 and also satisfies the expression that the second pitch $b2$ is substantially equal to $2.N.b1$ as recited in claim 1.

Thereafter, the specification discloses that with such an arrangement, the angle between views is approximately three times that for the display illustrated in Figure 4(a). Additionally, the contribution to crosstalk from neighboring windows is reduced because 66.7% of the stray light is from the same image source (see page 16, lines 1-16).

Therefore, the present invention discloses multiple examples demonstrating the significant effects associated with the arrangement as recited in claims 1 and 10 as compared with conventional displays. As admitted by the Examiner, such an arrangement as recited in claims 1 and 10 is not disclosed by *Hamagishi*. Additionally, neither does *Hamagishi* teaches or suggests the significant effects associated with the arrangement as recited in claims 1 and 10.

As applicants have previously pointed out, the invention as disclosed by *Hamagishi* requires two projectors and an additional lens array. In contrast, the present invention can be effectively utilized together with a standard thin incoherent backlight. Accordingly, the present invention can be applied to much wider applications such as, mobile devices, etc., because of its simplicity.

Further, applicants respectfully submit that the Examiner's assertion that, "one would have been motivated to have the second groups spaced apart by a second pitch $b2$ substantially equal to $2.N.b1$ in order to allow high resolution..." is predicated upon impermissible hindsight, and not upon a suggestion from the reference that would have been derivable by one skilled in the art from the reference themselves. That is, not only

does *Hamagishi* fail to disclose a second pitch b_2 substantially equal to $2.N.b_1$, *Hamagishi* also fails to teach an objective of achieving a higher resolution than that of prior art. Instead, *Hamagishi* discloses a stereoscopic display that is capable of properly viewing a stereoscopic image by each of the viewers even when the viewers move (see col. 2, lines 1-13 of *Hamagishi*).

The Examiner further argues that, "in figure 3 of *Hamagishi* (5,855,425) if g or G (2a) is moved further away from 2b, a smaller pitch b will be required and a larger second pitch of the groups (i.e. spacing between the groups) will be required" (see page 10 of the Office Action).

However, applicants note that the Examiner has not provided sufficient support in the disclosure of *Hamagishi* for such allegations. Further, the Examiner has not explicitly shown how such allegations disclose each and every feature as recited in claim 1. In particular, although the applicants disagree with the Examiner's allegations, for sake of argument even if pitch b gets smaller or larger, *Hamagishi* has not been shown to disclose that the spacing between the slits or the spacing between the group of slits are adjusted in accordance with the size of pitch b as recited in claims 1 and 10.

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the applicants have done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In addition, although the Examiner alleges that the light shading means 2a is the parallax barrier, applicants instead note that *Hamagishi* explicitly teaches a parallax barrier 2c' as shown in Figure 6 where the pitch between the slits is denoted as p (see col. 7, lines 20-32 of *Hamagishi*). From Figure 6, it is clearly shown that the parallax

barrier 2c' as explicitly disclosed by *Hamagishi* fails to teach or suggest the parallax barrier as recited in claim 1.

References must be considered as a whole, and it is well established that it is impermissible to pick and choose only so much as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly teaches or suggests. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve*, 230 USPQ 416, 419 (Fed. Cir. 1986) (citing *In re Wesslau*, 147 USPQ 391, 393 (CCPA 1965)). See also, *In re Fritch*, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992) (One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.); *In re Mercier*, 185 USPQ 774, 778 (CCPA 1975) (all the relevant teaching of the cited reference must be considered in determining what they fairly teach to one having ordinary skill in the art) (emphasis original).

The remaining cited references also fail to teach or suggest such features of claims 1 and 10.

Therefore, for at least the arguments and the standards of MPEP as presented above, the Examiner has failed to establish a *prima facie* case of obviousness and the rejection of claims 1 and 10 should be withdrawn. Similarly, the rejection on the remaining claims should be withdrawn.

II. REJECTIONS OF CLAIMS 15-24 UNDER 35 USC §103(a)

Claims 15-24 stand rejected under 35 USC §103(a) based on *Hamagishi* in view of *Taniguchi*, *Isono et al.* and/or *Moseley et al.* Applicants respectfully request withdrawal of these rejections for at least the following reasons.

Again, claims 15-24 each depend indirectly from amended claim 10 and can be distinguished over the teachings of *Hamagishi* for at least the same reasons discussed above. Moreover, *Taniguchi*, *Isono et al.* and/or *Moseley et al.* do not make up for the

above-discussed deficiencies in *Hamagishi*. Thus, applicants respectfully request that the rejections be withdrawn.

III. CONCLUSION

Accordingly, all claims 1-3 and 5-24 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/
Mark D. Saralino
Reg. No. 34,243

DATE: September 1, 2006

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113
yamap913amendmentafterfinal3.wpd